APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,370	02/19/2002	Howard T. Marano	2001P10727 US01	9274

		EXAMINER
7590	02/08/2006	VAN DOREN, BETH

Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
186 Wood Avenue South
Iselin, NJ 08830

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 November 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The following is a Final Office action in response to communications received

11/18/2005. Claims 1-3, 5, 7-9, and 14-18 have been amended. Claims 1-19 are now pending in

this application.

Response to Amendment

2.   Applicant's amendment to claim 9 is sufficient to overcome the claim objections set forth

in the previous office action.

3.   Applicant's amendments to the claims are sufficient to overcome the 35 USC § 112,

second paragraph, rejections set forth in the previous office action.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-19 have been considered but are moot in

view of the new grounds of rejection, as necessitated by amendment.

Claim Objections

5.   Claim 5 is objected to because of the following informalities: Claim 5 contains

grammatical errors. Claim 5 recites "to automatically and programmatically without user

intervention selects said task and assigns said identifier", which should more appropriately be

--to automatically and programmatically without user intervention select said task and assign

said identifier--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an

> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-6 and 8-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayhak, Jr., et al. (U.S. 2001/0051888).

As per claim 1, Mayhak, Jr., et al. teaches a method for assigning an identifier to at least one of a plurality of displayable task schedules, comprising the activities of:

a.   initiating display of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being associated with a particular entity of said corresponding different entities (See paragraphs 0010-2, 0036, 0043, 0050, 0065, 0067-8, 0076, wherein an interface exists and once a user enters decision information (i.e. profile information, a patient having a scheduled appointment), the system automatically generates a task schedule for employees, the system selected tasks from a plurality of tasks (i.e. direct care, maintenance, indirect care) and places the task on an employee's schedule using a visual identifier. See also paragraphs 0037, 0040, 0042, which discuss the tasks assigned during time intervals);

b.   receiving decision information entered via said at least one interface menu (See paragraphs 0010-2, 0036, 0043, 0050, 0065, 0067-8, 0076, which discloses an interface through which a user enters decision information (i.e. profile information, a patient having a scheduled appointment)); and

c.   applying the received decision information and initiating execution of said at least one

executable procedure, in response to received information identifying an event to automatically

select a task from a plurality of different tasks and assign a task representative identifier

representing a selected task to be performed by said particular entity to said task schedule

associated with said particular entity (See paragraphs 0010-2, 0036, 0043, 0050, 0065, 0067-8,

0076, wherein an interface exists and once a user enters decision information (i.e. profile

information, a patient having a scheduled appointment), the system automatically generates a

task schedule for employees, the system selected tasks from a plurality of tasks (i.e. direct care,

maintenance, indirect care) and places the task on an employee's schedule using a visual

identifier. See also paragraphs 0037, 0040, 0042, which discuss the tasks assigned during time

intervals).

As per claim 2, Mayhak, Jr., et al. discloses initiating execution of at least one executable

procedure to automatically select said particular task schedule from said plurality of displayable

task schedules, in response to said received information identifying an event (See paragraphs

0010-2, 0036, 0043, 0050, 0065, 0067-8, 0076, wherein an interface exists and once a user enters

decision information (i.e. profile information, a patient having a scheduled appointment), the

system automatically generates a task schedule for employees, the system selected tasks from a

plurality of tasks (i.e. direct care, maintenance, indirect care) and places the task on an

employee's schedule using a visual identifier. See also paragraphs 0037, 0040, 0042, which

discuss the tasks assigned during time intervals); and wherein

the step of initiating display of at least one interface menu includes initiating display of

menu elements prompting a user to identify at least (c) decision information for initiating

execution of at least one executable procedure for identifying a task schedule for listing a task

representative identifier (See paragraphs 0050, 0067, and 0071, wherein decision information is

entered).

As per claim 3, Mayhak, Jr., et al. discloses wherein the decision information initiates

execution of at least one logical procedure for processing data associated with a task to identify a

task schedule for incorporating the task representative identifier (See paragraphs 0007, 0010,

0012, 0035-6, 0041-2, 0067-8, wherein decision information (i.e. profile information, a patient

having a scheduled appointment) initiates the system automatically generating a task schedule,

wherein the task is incorporated in an identified employees schedule using a visual identifier).

As per claim 4, Mayhak, Jr., et al. teaches wherein the data associated with a task

comprises at least one of (b) a time and date of performance of a medical procedure (See

paragraphs 0007-9, 0035-6, 0041, 0055, 0068, 0089, all of which disclose scheduling medical

appointments with associated times and days).

As per claim 5, Mayhak, Jr., et al. discloses wherein said decision information initiates

execution of at least one executable procedure to automatically and programmatically without

user intervention select said task and assign said identifier, in response to the received

information identifying an event (See paragraphs 0010-2, 0036, 0043, 0050, 0065, 0067-8, 0076,

wherein an interface exists and once a user enters decision information (i.e. profile information, a

patient having a scheduled appointment), the system automatically generates a task schedule for

employees, the system selected tasks from a plurality of tasks (i.e. direct care, maintenance,

indirect care) and places the task on an employee's schedule using a visual identifier. See also

paragraphs 0037, 0040, 0042, which discuss the tasks assigned during time intervals) and

and the entity comprises at least (a) a category of users (See paragraph 0010, 0036, 0040,

0067-8, wherein users are organized by type).

As per claim 6, Mayhak, Jr., et al. discloses wherein:

a.   decision information identifies the predetermined event (See paragraphs 0010-2, 0036,

0043, 0050, 0065, 0067-8, 0076, wherein decision information identifies an event (i.e. a patient

having a scheduled appointment)); and

b.   the predetermined event corresponds to at least (b) beginning of a medical procedure (See

paragraphs 0007-9, 0035-6, 0041, 0055, 0068, 0089, all of which disclose scheduling medical

appointments).

As per claim 8, Mayhak, Jr., et al. teaches steps a, b, c, and d, as set forth above with

regards to claim 1. Mayhak, Jr., et al. further discloses said particular task schedule being

associated with a particular entity of said corresponding plurality of different entities and

accessible by the particular entity (See paragraphs 0012, 0036, 0042, 0050, 0065, 0076, 0089),

the decision information including:

i.   at least one executable procedure for processing data associated with a task to

select a task schedule for incorporating the task representative identifier and for assigning

said task representative representing a task to be performed by said particular entity, to

said selectable task schedule (See paragraphs 0010-2, 0036, 0043, 0050, 0065, 0067-8,

0076, wherein a procedure automatically processes data associated with the task (the

appointment with the patient) to select an entity's schedule with which to incorporate the

task),

ii.   an event for triggering application of said at least one executable procedure (See

paragraphs 0010-2, 0036, 0043, 0050, 0065, 0067-8, 0076, wherein the entering of

profile information and patients schedules causes the triggering of a procedure that

generates employee schedules. See also paragraph 0065).

Claim 9 recites equivalent limitations to claim 1, element a. and claim 4 and is therefore

rejected using the same art and rationale set forth above.

Claim 10 recites equivalent limitations to claim 6 and is therefore rejected using the same

art and rationale set forth above.

As per claim 11, Mayhak, Jr., et al. discloses acquiring the data associated with a task

(See paragraphs 0012, 0035-7, 0069, wherein data associated with the patient visit (i.e. needs) is

acquired).

As per claim 12, Mayhak, Jr., et al. teaches wherein:

a.   said at least one executable procedure conditions allocation of the task to the task

schedule associated with the particular entity upon coincidence of a plurality of occurrences (See

paragraphs 0010-12, 0040-2, 0065, 0068, 0071, 0076, wherein the task is allocated to a task

schedule based on the occurrence of multiple events that happen together (i.e. profiles of

employee and patient, type and timing of appointment, deleting and modification to the schedule,

job type, etc.)); and

b.   further including acquiring data to identify the coincidence of the plurality of

occurrences (See paragraphs 0010-12, 0040-2, 0065, 0068, 0071, 0076, wherein the system has

data associated with the occurrences).

As per claim 13, Mayhak, Jr., et al. discloses:

a.   the triggering event is conditioned upon coincidence of a plurality of occurrences (See paragraphs 0010-2, 0036, 0040-2 0065, 0067-8, 0076, wherein the entering of profile information and patients schedules causes the triggering of a procedure that generates employee schedules. The task is allocated to a task schedule based on the occurrence of multiple events that happen together (i.e. profiles of employee and patient, type and timing of appointment, deleting and modification to the schedule, job type, etc.)); and

b.   further including acquiring data to identify the coincidence of the plurality of occurrences (See paragraphs 0010-12, 0040-2, 0065, 0068, 0071, 0076, wherein the system has data associated with the occurrences).

As per claim 14, Mayhak, Jr., et al. teaches wherein said at least one executable procedure removes a task representative identifier from the task schedule associated with the particular entity in response to occurrence of a triggering event (See paragraph 0065-6, 0088, 0091, wherein an update function occurs and a patient is removed from the system, thus updating the schedule).

As per claim 15, Mayhak, Jr., et al. teaches step ai, as set forth above in the rejection of claim 1. Mayhak, Jr., et al. further teaches ii. initiating display of an updated task schedule including said selected task having said assigned identifier associated with the particular entity, in response to received information identifying an event (See paragraph 0065-6, 0088, 0091, wherein an update function occurs when a patient is added, modified, or removed from the system or a resource or other information is added, modified, or removed, thus updating the schedule).

As per claim 16, teaches the elements of claim 16, as explained above with regards to

claims 8 and 15. Claim 16 is rejected using the same art and rationale set forth above.

As per claims 17 and 18, claims 17 and 18 recite equivalent limitations to claims 8 and 1,

respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 19, claim 19 is rejected using the same are and rationale applied in the

rejection of claim 1. Mayhak, Jr., et al. further discloses a computer program embodied within a

computer readable medium (See paragraph 0043).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayhak, Jr., et al.

(U.S. 2001/0051888) in view of Burko (U.S. 2002/0156672)

As per claim 7, Mayhak, Jr., et al. discloses wherein said received decision information

initiates execution of said at least one executable procedure to arrange a plurality of task

representative identifiers of a task schedule associated with a particular entity in response to

occurrence of a triggering event (See paragraphs 0010-2, 0036, 0043, 0050, 0065, 0067-8, 0076,

wherein tasks are arranged once the profile information is entered and the patient schedule is

established, wherein the tasks are rearranged when a modification, addition, or deletion occurs).

However, Mayhak, Jr., et al. does not expressly disclose prioritizing the plurality of tasks

assigned to a particular entity.

Burko discloses an integrated scheduling system that prioritizing the plurality of tasks

assigned to a particular entity based on triggering events (See paragraphs 0012, 0026, 0053-4,

wherein the system schedules appointments based on priority, priority triggered by urgency,

information about the customer (family member, paid priority status, etc.)).

Both Mayhak, Jr., et al. and Burko present systems that automate the scheduling of an

appointment with a health care provider. Mayhak, Jr., et al. specifically discloses arranging the

schedules based on the known needs of a patient, as stored in the patient profile. Scheduling

appointments based on priority, such as emergency situations, is old and well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to prioritize the scheduling of tasks in order to increase the quality of care given to

users by ordering the tasks based on the needs and profile of the user in a consistent manner. See

paragraphs 0007-0009 and 0012 of Burko.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lancelot et al. (U.S. 6,434,531) teaches a system for managing a patient care plan using predefined paths defined in templates.

Brummel et al. (U.S. 2002/0083075) discloses an information system for the health care industry, wherein a documentation activity may automatically cause an activity such as scheduling an emergency room visit to open on the GUI.

Kucek et al. (U.S. 6,832,199) discloses an automated system that communicates task lists around the network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd
January 27, 2006

SUSANNA M. DIAZ
PRIMARY EXAMINER

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